

REMARKS

Reconsideration of this application, in view of the foregoing amendment and the following remarks, is respectfully requested.

Claims 1-114 were originally presented for consideration in this application. Claims 16-31 and 89-114 are withdrawn from consideration as being non-elected in response to a requirement for restriction. Claims 16-31 and 88-114 have been canceled. Accordingly, claims 1-15 and 32-87 are currently pending in this application.

The examiner's indication that claims 37-59 and 65-68 are allowed, and that claims 7, 9, 11-13, 34, 35, 61, 70, 71, 73-82, 84-86 and 88 contain allowable subject matter, is noted with appreciation. Of these, claims 70, 71, 73, 74, 79-82 and 84-86 have been rewritten in independent form, and thus these claims and their dependents are now seen to be in condition for allowance. In addition, the limitations of claim 88 (which was indicated as being allowable) have been incorporated into independent claim 69, and thus claim 69 and its dependents are now seen to be in condition for allowance.

Regarding the anticipation rejections of independent claim 1, please note that this claim has been amended above. The claim now recites that the lift coefficients alternate as the angle of attack increases. This feature of the invention is representatively illustrated in FIGS. 21 and 22, and is described in the accompanying description in the specification.

Neither of the Tubel, Morris, Apstein or Kolm references describes this feature now recited in claim 1. Therefore, claim 1 is not anticipated by any of these references. Accordingly, the examiner is respectfully requested to withdraw the rejections of claim 1 and its dependents.

Regarding the anticipation rejections of independent claims 32 and 60, these rejections are respectfully traversed. Please note that each of these claims recites that an electrical power generating system includes a vibrating assembly which is responsive to fluid flow across the vibrating assembly. In contrast, the Tubel reference describes the propeller-shaped magnet 72 (shown in FIG. 3) which rotates instead of vibrates. Thus, Tubel does not anticipate claims 32 and 60, and the examiner is respectfully requested to withdraw the rejections of these claims and their dependents.

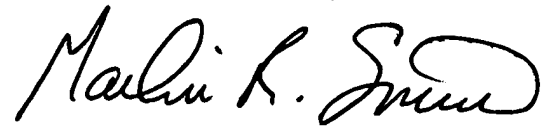
Regarding the double patenting objections to claims 32, 37, 42, 43, 60, 65 and 69, please note that, due at least in part to the above amendment to claim 1, there are significant differences between the objected-to claims and claims 5 and 9-14. Therefore, the examiner is respectfully requested to withdraw the objections to claims 32, 37, 42, 43, 60, 65 and 69.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 1-15 and 32-87 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

KONNEKER & SMITH, P.C.

A handwritten signature in black ink, appearing to read "Marlin R. Smith". The signature is fluid and cursive, with the first name "Marlin" being more prominent.

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